UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/4
5 July 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Item 2 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Violations of the rights of human rights defenders in all countries

Note by the secretariat

1. In paragraph 5 of its resolution 1998/3 the Sub-Commission requested the High Commissioner to inquire about the security situation of persons listed in the annex to the resolution and to inform the Sub-Commission, at its fifty-first session, of the results of her inquiries. The following information has been provided to the Office of the High Commissioner for Human Rights (OHCHR).

Mr. Akin Birdal, President of the Turkish Human Rights Association and Vice-President of the International Federation of Human Rights Leagues

2. Mr. Birdal started serving a one-year prison sentence at Ankara Central Prison on 3 June 1999. On 27 October 1998, the General Board of Criminal Departments of the Court of Appeals had confirmed an earlier sentence issued by the State Security Court in Ankara, which found Mr. Birdal guilty of violating article 312 of the Turkish Penal Code, prohibiting any incitation to hatred and discrimination based on race, religion or ethnic origin.

3. On 4 December 1998, the High Commissioner for Human Rights wrote to the President of Turkey expressing her concern over Mr. Birdal's conviction and urging the Turkish authorities to review the matter and to ensure respect for Mr. Birdal's right to promote and protect universally recognized human rights and fundamental freedoms.

4. On 5 January 1999, the Special Rapporteur on Freedom of Expression and Opinion addressed an appeal to the Government of Turkey to respect Mr. Birdal's right to peaceful expression of his opinions. On 16 June 1999, the Working Group on Arbitrary Detention addressed another appeal to the Turkish authorities, urging them to take the necessary measures to guarantee the right of Mr. Birdal not to be deprived arbitrarily of his liberty.

Mr. Khemais Ksila, Vice-President of the Tunisian League of Human Rights

5. Mr. Ksila was arrested on 29 September 1997 and charged with disturbing public order, disseminating false information and inciting Tunisian citizens to violate the law. On 11 February 1998, Mr. Ksila was found guilty of these charges and sentenced to three years' imprisonment and payment of a 1,200 dinar fine for disturbing public order. Mr. Ksila's appeals against this sentence did not produce any results. He is currently serving his prison sentence.

6. In May 1999, the Working Group on Arbitrary Detention examined Mr. Ksila's case and concluded that he had been subjected to arbitrary detention. The Working Group argued that the justifications for Mr. Ksila's convictions by the Tunisian courts could not be upheld in the light of article 19 of the Universal Declaration of Human Rights and of article 19 of the International Covenant on Civil and Political Rights.

7. On 20 April 1999, the High Commissioner for Human Rights wrote to the Foreign Minister of Tunisia. In its reply of 15 June 1999 to the High Commissioner's letter, the Government of Tunisia noted that the prosecution and conviction of Mr. Ksila were unrelated to his activities as Vice-President of the Tunisian League of Human Rights; that the judicial proceedings against Mr. Ksila had been conducted in accordance with the provisions of the Tunisian Code of Criminal Procedure and relevant international standards; that he was serving his sentence under normal conditions; and that he had not availed himself of his right to address a written request for clemency to the authorities.

Mr. Ramón Custodio, President of the non-governmental organization Committee for the Defence of Human Rights (CODEH)

8. By note of 25 June 1999, the Ministry of Foreign Affairs of Honduras informed the Office of the High Commissioner for Human Rights that it was not aware of any recent threats to or security problems confronted by Mr. Ramón Custodio. Mr. Custodio was subsequently able to confirm that he has not experienced any personal security problems.

Father Javier Giraldo, Executive Director of the Intercongregational Commission of Justice and Peace of Colombia

9. Father Giraldo, a Jesuit priest, left Colombia in December 1998 and currently lives abroad. His involvement in the "Nunca más" project, the aim of which is to document human rights abuses committed in Colombia over the past 20 years, reportedly led to threats to Father Giraldo's life. Because of his precarious situation, the religious authorities are said to have instructed him to leave the country.

Mr. Clement Nwankwo, Director of the Constitutional Rights Project of Nigeria

10. Mr. Nwankwo is running the above-mentioned project. He was last detained five years ago.

Mr. Destan Rukichi, lawyer and member of the Council for the Defense of Human Rights and Freedoms in Pristina, Kosovo, Federal Republic of Yugoslavia

11. Mr. Rukichi's parents report that he is safe in Pristina. They report that he was prevented from crossing the border from Kosovo into Macedonia on 5 April 1999 by Serbian police.

Mr. Viktor Kaisiepo, human rights activist and spokesperson of the West Papua Peoples' Front of Indonesia

12. According to unconfirmed reports, Mr. Kaisiepo has left Indonesia either for the Netherlands or for Australia because of concerns for his safety. No other information is available.

Mr. Pierre Samba, President of the human rights non-governmental organization Grande Vision in the Democratic Republic of the Congo

13. Mr. Samba has been granted political asylum in Belgium. After several months of hiding, he left the Democratic Republic of Congo in December 1997, because of concerns for his safety connected with his involvement in collecting information on alleged massacres of Hutu refugees in 1996 and 1997 in the eastern part of Zaire for the United Nations Secretary-General's Investigative Team.

14. As the request of the Sub-Commission concerning members of the Judicial Center of Public Interest of the Philippines did not identify individual members allegedly under threat, OHCHR was not in a position to obtain reliable information about the aforementioned lawyers.